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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,369	11/14/2003	Peter M. Beasley	NETW:1000RCE	9152
34725 7590 01/11/2008 CHALKER FLORES, LLP 2711 LBJ FRWY Suite 1036 DALLAS, TX 75234			EXAMINER RIMELL, SAMUEL G	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,369

Applicant(s)

BEASLEY, PETER M.

Examiner

Sam Rimell

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 10, 12-15, 17-20, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 12-15, 17-20, 32-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.


SAM RIMELL
PRIMARY EXAMINER

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35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 are rejected under 35 U.S.C. 101 because the claimed invention is inoperative and therefore lacks utility.

Claims 1, 12, 20 and 32: Each of the independent claims 1, 12, 20 and 32 contain the phrase "all the records are linked in a dual closed loop structure". As best as can be understood, a "closed loop" is a closed circular path not connected to any other path. Thus, dual closed loops would be two closed circular paths which are not connected to one another. Since all the records have to be linked to one another and dual closed loops are not connected to each other, it is not possible to link all the records together in a dual closed loop structure. Accordingly, the claimed invention defines an inoperative system and therefore lacks utility.

Claims 2-5, 10, 13-15, 17-19, 22 and 33: Depend from claims 1, 12, 20 or 32 respectively.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Claims 1, 12, 20 and 32: Each of claims 1, 12, 20 and 32 includes the phrase “all the records are linked in a dual closed loop structure”. This feature is not recited in the original disclosure. The term terminology “dual closed loop” is only used twice in the original disclosure.

Paragraphs 0004 and 0023 of the original specification both state:

“The present invention is specialized to take advantage of the unique characteristics of infrastructures systems using a dual core loop structure to represent the assets ...”

The original specification states that it is the infrastructure, not the records, which use the dual core loop structure. There is no suggestion that the records are actually arranged in this manner. Accordingly, the claimed quotation from claims 1, 12, 20 and 32 is new matter.

Claims 1, 12, 20 and 32: Each of claims 1, 12, 20 and 32 refer to “business interconnection rules”. The terminology or concept of “business interconnection rules” or “interconnection rules” cannot be located in the original disclosure. Accordingly, the feature is new matter.

Claims 1, 12, 20 and 32: Each of claims 1, 12, 20 and 32 have been amended to recite “...a hierarchical manner forming a first closed loop” and “...a life cycle forming a second closed loop”. These recitations have no support in the original disclosure.

Claims 1, 12, 20 and 32: Each of claims 1, 12, 20 and 32 have been amended to recite “a record for each asset or asset related item is linked to one or more records in the first closed loop and one or more records in the second closed loop”. This recitation has no support in the original disclosure.

Claims 2-5, 10, 13-15, 17-19, 22 and 33: Depend from claims 1, 12, 20 or 32 respectively.

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Remarks

Applicant's arguments have been considered.

The amendments presented have raised additional issues of new matter. Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 remain rejected under 35 USC 101 and claims 1-5, 10, 12-15, 17-20, 22 and 32-33 remain rejected under 35 USC 112, first paragraph.

Applicant's arguments are primarily directed to drawing of FIG. 4D which proposes to explain the concepts of the "dual core loop", "hierarchical loop", "life cycle loop" and links. The explanatory drawings provided by applicant look like this:

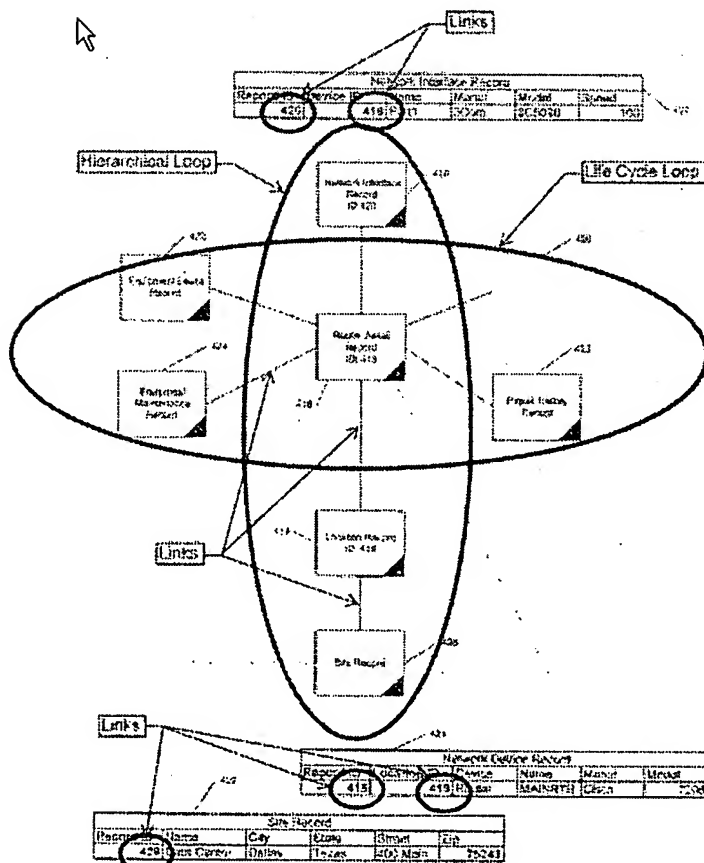


FIG. 4D

The originally filed version of FIG. 4D looks like this:

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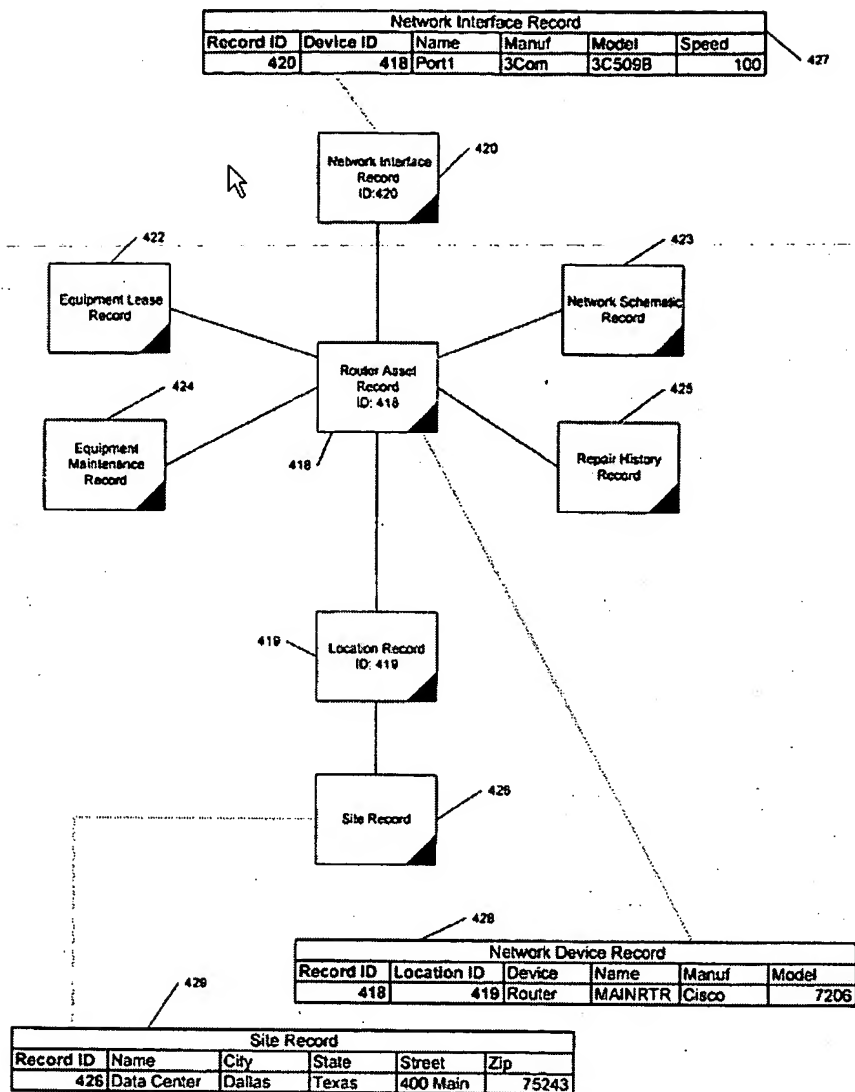


FIG. 4D

The discussion of FIG. 4D in the original disclosure states the following:

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-) [0069] Take the example of the router asset record 418 in FIGURE 4D. This information record is interconnected with several other information records 419, 420, 422, 423, 424, 425. There is a closed-loop around this data element, where removal of the router data record 418 affects the associated interrelated information records. As mentioned earlier, many other asset management systems focus on auto-discovery or auto-location techniques to identify the existence of an asset. Take for instance the router associated with the router asset record 418. This data record is related to a location record 419, which is in turn related to a site record 426. From the hierarchy defined by the ID pointers in the data records, you can determine that Router ID #418 is in Location ID #419, which is located in the Data Center, at 400 Main, Dallas, Texas. There is no need to auto-discover the location of asset devices with my invention, where asset information is stored in a closed-loop hierarchical fashion.

As seen by comparing applicant's explanatory drawings to the original drawings and original specification text, there is no support in the original drawings or specification for dual closed loops, hierarchical loops, life cycle loops or links between two loops. The original disclosure at paragraph 0069, at best, recognizes only one single loop, but does not state where the loop is exactly located or what the loop circumscribes. The disclosure clearly does not support any concept of having two closed loops or intersecting loops, as well as not recognizing a hierarchical loop or a life cycle loop. Applicant's arguments are therefore moot, since they purport to explain features which are not taught in the original disclosure. Since the same explanatory drawing is relied upon to address both statutory rejections under 35 USC 101 and 35 USC 112, these arguments are not persuasive for these particular rejections.

Applicant also presents arguments regarding the "business interconnection rules" and alleges that this feature is exactly defined and described in paragraphs 0006, 00707 and 0025. However, this terminology does not appear in any of these paragraphs, nor does it appear anywhere else in the original specification.

This action follows the filing of an RCE request and is made non-final.

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Any inquiry concerning this communication should be directed to Sam Rimell at
telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
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